HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.9376 of 2006

Date: 28-04-2006

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Between:

E. Anantha Badrinath

…. Petitioner/s

and

The Chief Executive Officer,

Zilla Parishad,

Visakhapatnam and others.

…Respondent/s.

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ORDER :

The petitioner claims to be the owner of Shastrula Cheruvu comprised in Sy.No.61 in an extent of Ac.4-49 cents. The allegation of the petitioner is that though the Government proposed to construct Dhobi Shelters in Bapaiah Cheruvu as per the sanction order dated 26-11-2005, the respondents are trying to construct Dhobi shelters in Shastrula Cheruvu belonging to the petitioner, and in spite of resist by the petitioner and others for the construction of Dhobi shelter in Shastrula Cheruvu, as the same is contrary to the orders of this Court referred in Memo of the Government dated 8-2-1999, the respondents are proceeding for the construction of Dhobi shelters, therefore, the present writ petition.

Heard learned counsel for the petitioner and the writ petition is being disposed of at the admission stage.

Since it is purely a civil dispute between the petitioner and the first respondent Zilla Parishad, who is now proceeding to construct the Dhobi shelters in the petitioner's tank, it is always open for the petitioner to move the competent Civil Court to resolve the dispute with regard to the rights over the property and a writ petition to decide the rights in immovable property is not maintainable.

The writ petition is accordingly dismissed. No costs.

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A. GOPAL REDDY,J)

28-4-2006.

Msr.

HON'BLE SRI JUSTICE A.GOPAL REDDY

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(Msr)